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10/653,025	08/29/2003	James E. King	5681-71100	1568

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EXAMINER

SHIFERAW, ELENI A

ART UNIT	PAPER NUMBER
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2136

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/653,025

Applicant(s)

KING ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 26-36 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-36 and 38-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) ✓
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/12/2005 & 04/13/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21, 26-36, 38-51 are pending.

Election/Restrictions

2. Claims 22-25, 37 and 52-54 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/25/07.

Drawings

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 2-16, 20 and 23 require **legend**. The applicant for the patent is required to furnish a drawing for his or her invention where necessary for the **clear understanding** of the subject matter sought to be patented. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 26-36, and 38-51 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims seem to be directed to non-statutory subject matter as being directed to software per se (although the preamble of claims 26 and 48

recite a computer "system" comprising a first and second host system and/or administrator system configurable with a first and second host identity and/or additional system identity, the body of the claim describes the method steps not recited in conjunction with a physical structure). The "system" claim may be reasonably interpreted to be software alone since the elements or features of the claim are not necessarily implemented in hardware. See MPEP 2106.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 18-21, 26-36, 38-39, 44-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. USPN 5,917,997 in view of Weir USPN 4,814,982.

Regarding claim 1, Bell et al. teaches a method of transferring a first host identity between a first host system (*host MVS_1*) and a second host system (*host MVS_2*) (fig. 1 and 2), wherein the first host system is configured initially with the first host identity, the second host system is configured initially with a second host identity and a host identity can belong to only one host system at a time (abstract and col. 2 lines 38-39), the method comprising:
an administrator system (col. 2 lines 15-62), that is operable to hold an additional host identity, passing the additional host identity to the first host system (col. 3 lines 12-35; *re-transmitting, to MVS_1, an additional VIPA_A/IP address after VIPA_A, that is initially provided, is deleted from host MVS_1 upon failure*);

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the first host system reconfiguring itself to use the additional host identity and passing the first host identity to the administrator system (col. 3 lines 12-35; *transmitting and reconfiguring MVS_1 with VIPA_A*);

the administrator system passing the first host identity to the second host system (fig. 3 element 105), and

the second host system reconfiguring itself to use the first host identity (col. 2 lines 47-67 and fig. 2; *when MVS_1 is failed administrator transmits VIPA_A of MVS_1 to MVS_2*).

Bell et al. fails to disclose the additional host identity (VIPA_A), used for reconfiguring, being a different IP address than initially MVS_1 is configured/provided with.

However reconfiguring with a different IP address or identifier is described in Weir (see col. 5 lines 39-57, col. 1 lines 67-col. 2 lines 3, and abstract; *assigning a new processor identity code to a processor in a multi-processing system*).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Weir within the system of Bell et al. because they are analogous in reallocating. One would have been motivated to do so because was well known at the time of the invention and would provide not repeated identifiers for reallocations.

Regarding claim 26, Bell et al. teaches a computer system (*telecommunications system of the abstract*) comprising a first host system (MVS_1) configurable with a first host identity (*MVS_2*) (fig. 1 and 2), a second host system configurable with a second host identity and an administrator system operable to hold an additional system identity (abstract and col. 2 lines 38-39), wherein:

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the administrator system is operable to connect to the first host system and to passing the additional host identity to the first host system (col. 3 lines 12-35; *transmitting VIPA_A to host MVS_1 after VIPA_A that is initially provided is deleted from host MVS_1 when failure is detected*);

the first host system is operable to reconfigure itself to use the additional host identity (col. 3 lines 12-35; *transmitting and reconfiguring MVS_1 with VIPA_A*) and to pass the first host identity to the administrator system (fig. 2 element 202);

the administrator system is further operable to connect to the second host system and to pass the first host identity to the second host system (col. 2 lines 47-67 and fig. 2; *when MVS_1 is failed administrator transmits VIPA_A of MVS_1 to MVS_2*); and

the second host system is operable to reconfigure itself to use the first host identity (col. 3 lines 4-10 and fig. 3).

Bell et al. fails to disclose the additional host identity (*VIPA_A*), used for reconfiguring, being a different IP address than initially MVS_1 is configured/provided with.

However reconfiguring with a different IP address or identifier is described in Weir (see col. 5 lines 39-57, col. 1 lines 67-col. 2 lines 3, and abstract; *assigning a new processor identity code to a processor in a multi-processing system*).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Weir within the system of Bell et al. because they are analogous in reallocating. One would have been motivated to do so because was well known at the time of the invention and would provide not repeated identifiers for reallocations.

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Regarding claim 48, Bell et al. discloses a computer system (*telecommunications system*) comprising a plurality of host systems (*plurality of host computers*) and a management subsystem (*administrator*), the management subsystem being operable to manage the allocation of the host identities to the host subsystems (abstract and col. 2 lines 31-67), wherein: the management subsystem is operable to hold at least one spare host identity (*VIPA_A of first host*) (col. 3 lines 12-35); and where a new host identity is to be allocated to a host subsystem (host MVS_2), the management subsystem is operable to allocate a spare host identity (*VIPA_A of first host*) to the host subsystem (col. 2 lines 46-col. 3 lines 11 and fig. 2).

Bell et al. fails to disclose the reallocation identity being a spare identity. However Weir discloses a spare identity for reallocation/reconfiguration (see col. 5 lines 39-57, col. 1 lines 67-col. 2 lines 3, and abstract; *assigning a new processor identity code to a processor in a multi-processing system*).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Weir within the system of Bell et al. because they are analogous in reallocating. One would have been motivated to do so because was well known at the time of the invention and would provide not repeated identifiers/IP addresses for reallocations.

Regarding claims 2, 6, 27 and 32, Bell et al. teaches the method/system wherein the administrator system is operable to hold a pool of host identities for use as additional host identities (col. 2 lines 15-67).

Regarding claims 3 and 28, Bell et al. teaches the method/system further comprising passing the second host identity to the administrator system (col. 3 lines 4-36; VIPA_A).

Regarding claims 4 and 29, Bell et al. teaches the method/system wherein the second host identity is placed in the pool for use as an additional host identity (col. 3 lines 4-36; VIPA_A).

Regarding claims 5, and 30-31, Bell et al. teaches the method/system, further comprising: the administrator system connecting to the first host system and passing the second host identity to the first host system (col. 3 lines 12-36), and the first host system reconfiguring itself to use the second host identity and passing the additional host identity back to the administrator system (col. 3 lines 12-36 and fig. 4).

Regarding claims 7 and 33, Bell et al. teaches the method/system wherein the additional host identity is placed back in the pool for subsequent use as an additional host identity (fig. 4; *using VIPA_A again to resynchronize*).

Regarding claims 8 and 34, Bell et al. teaches the method/system wherein the first host system includes a host identity repository (fig. 1 element 105).

Regarding claims 9 and 35, Bell et al. teaches the method/system wherein the host identity repository of the first host system is configured to hold a plurality of host identities (col. 2 lines

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15-46).

Regarding claims 10 and 36, Bell et al. teaches the method/system wherein the second host system includes a host identity repository (fig. 3 element 105).

Regarding claim 11, Bell et al. teaches the method/system wherein the host identity repository of the second host system is configured to hold a plurality of host identities (col. 2 lines 15-46).

Regarding claims 12 and 18, Bell et al. teaches the method/system wherein the administrator system logs the host identity transfer (fig. 2 and 4).

Regarding claims 13 and 39, Bell et al. teaches the method/system wherein the administrator system is operable to monitor progress of the host identity transfer (col. 2 lines 31-col. 3 lines 36).

Regarding claims 18, 44 and 49, Bell et al. teaches the method/system wherein the first and second host systems are each respective service processors in multi-computer system (abstract).

Regarding claims 19, 45 and 50, Bell et al. teaches the method/system wherein at least one said service processor is operable to allocate host identities to respective ones of a plurality of subsystems (abstract, fig. 2 and 4).

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Regarding claims 20, 46 and 51, Bell et al. teaches the method/system, wherein said at least one service processor is a shelf service processor for a shelf of a rack mountable blade system and at least one said sub-system is a processor blade receivable in the shelf (fig. 1 &3, and col. 2 lines 31-65).

Regarding claims 21 and 47, Bell et al. teaches the method/system wherein the administrator system is a system management server for a blade system (fig. 1 &3, and col. 2 lines 31-65).

7. Claims 14-16 and 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. USPN 5,917,997 in view of Weir USPN 4,814,982 and further in view of Antes et al. USPN 6941366 B2.

Regarding claims 14 and 40, the combination of Bell et al. and Weir disclose all the subject matter as disclosed above. However the combination fail to teach the transfer of identities via in a secure connection. Transferring identifiers via secure connection/encrypted is very well known and Antes et al. discloses the method/system wherein the transfer of host identities is effected via a secure connection (col. 7 lines 55-col. 8 lines 60 and col. 5 lines 37-46). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Antes et al. within the combination system because they are analogous in multiprocessing. One would have been motivated to do so because it would secure the communication.

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Regarding claims 15 and 41, Antes et al. teaches the method/system wherein the transfer of host identities is effected via encoded messages (col. 7 lines 55-col. 8 lines 60 and col. 5 lines 37-46).

The rational for combining are the same as claim 14 above.

Regarding claims 16 and 42, Antes et al. teaches the method/system wherein the messages are encoded using a predetermined parameter and an encryption algorithm (col. 7 lines 55-col. 8 lines 60 and col. 5 lines 37-46; IPsec algo.). The rational for combining are the same as claim 14 above.

8. Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. USPN 5,917,997 in view of Weir USPN 4,814,982 and further in view of Redding et al. USPN 7035918 B1.

Regarding claims 17 and 43, Bell et al. and Weir fail to disclose the method/system wherein the host identities are used for software licensing. However Redding et al. discloses software license management system with plurality of processors to provide software service to clients and fault recovery comprising configuring another processor (fig. 4, col. 3 lines 47-col. 4 lines 27 and col. 9 lines 42-col. 10 lines 29). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Redding et al. because it would serve software to requestors and manage software license by redirecting other processor server when one software server fails.

Conclusion

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.

The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser R. Moazzami can be reached on (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



July 17, 2007

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7,18,07